

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MOONBUG ENTERTAINMENT
LIMITED, et al.,

Plaintiffs,

v.

BABYBUS (FUJIAN) NETWORK
TECHNOLOGY CO., LTD, et al.,

Defendants.

Case No. [21-cv-06536-EMC](#)

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
MOTION FOR LEAVE TO SERVE
THE SUPPLEMENTAL EXPERT
REPORT OF CHRISTIAN TREGILLIS**

Docket No. 198

Before the Court is Defendants BabyBus Co., Ltd's and BabyBus (Fujian) Network Technology Co., Ltd's (collectively, "Defendants") Motion for Leave to Serve the January 2, 2023 Supplemental Expert Report of Christian Tregillis ("Tregillis Supplemental Report"). Having considered the papers, the Court **DENIES** leave to serve Heading 3.4, Paragraphs 36-40, Schedules S.5.1, S.5.1.1, S.5.2, and S.5.2.1, and any other reference to the above in the Tregillis Supplemental Report. Those portions of the report improperly further respond to opinions in the December 5, 2022 Jennifer Vanderhart Reply Report. Defendants shall serve a revised report consistent with this order by February 1, 2023.

The Court **GRANTS** leave to serve the remainder of the Tregillis Supplemental Report as it addresses third-party documents and information produced after the service of Tregillis's November 22, 2022 Rebuttal Expert Report. Although Defendants could have been more diligent at securing those documents, "public policy favoring disposition of cases on their merits." *Wendt v. Host Intern., Inc.*, 125 F.3d 806, 814 (9th Cir.1997). To mitigate any prejudice, Plaintiffs may serve a supplemental expert report addressing the late-produced third-party documents by

February 10, 2023. That report may respond to the revised Tregillis Supplemental Report and may update opinions provided in Dr. Vanderhart's opening and reply reports based on the new data. The deadlines to take damages experts' depositions and to file *Daubert* motions are temporarily suspended and will be discussed at the February 2 MSJ hearing.

This order disposes of Docket No. 198.

IT IS SO ORDERED.

Dated: January 26, 2023



EDWARD M. CHEN
United States District Judge